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# STATE REGISTER

STATE OF MINNESOTA

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**VOLUME 6, NUMBER 28**

January 11, 1982

Pages 1293-1308



**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
<b>SCHEDULE FOR VOLUME 6</b>			
29	Monday Jan 4	Monday Jan 11	Monday Jan 18
30	Monday Jan 11	Monday Jan 18	Monday Jan 25
31	Monday Jan 18	Monday Jan 25	Monday Feb 1
32	Monday Jan 25	Monday Feb 1	Monday Feb 8

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR **AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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# PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
  2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
  3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Health

### Proposed Amendments to Rule Relating to Prophylaxis for Ophthalmia Neonatorum

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of Health (hereinafter "commissioner") proposes to amend MHD 326. A copy of the proposed amendments is attached to this notice.

The commissioner has determined that these proposed amendments will be noncontroversial in nature. Therefore, this proceeding is being followed under the provision of Minn. Stat. § 15.0412, subd. 4h (Supp. 1981) which provides for an expedited process for the adoption of noncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a 30-day period in which to submit comment on the proposed rule;
2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. All comments and any written requests for a public hearing shall be submitted to David Brownell, State Venereal Disease Control Officer, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;
4. The proposed amendments may be modified if modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;
5. Authority to amend MHD 326 is contained in Minn. Stat. § 144.12 (1980). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Brownell at the above-listed address;
6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. Brownell at the above-listed address;
7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4g;

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## PROPOSED RULES

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

December 24, 1981

George R. Pettersen, M.D.  
Commissioner of Health

### Rule as Proposed

#### MHD 326 Additional control measures for certain communicable diseases.

##### (o) Ophthalmia neonatorum.

(1) Definition. Any condition of the eye or eyes of an infant, independent of the nature of the infection, in which there is any inflammation, swelling, or redness in either one or both eyes of any such infant, either apart from, or together with, any unnatural discharge from the eye or eyes of any such infant within two weeks of the birth of such infant, shall be known as ophthalmia neonatorum.

(2) ~~Treatment of eyes—duties of physicians, midwives and others. It shall be the duty of any physician or midwife in attendance on, or in charge of, a confinement case to treat the eyes of every newborn babe with a 1 per cent solution of silver nitrate.~~ Prophylaxis. The licensed health professional in charge of the delivery at the time of the birth of any newborn infant shall instill or have instilled, within one hour of birth or as soon as possible thereafter, a one percent solution of silver nitrate, or tetracycline ointment or drops, or erythromycin ointment or drops.

(3) ~~It shall be the duty of any midwife immediately to call a licensed physician in every case in which symptoms of inflammation develop in one or both eyes of infants under her care.~~ Treatment. A licensed health professional who is not a licensed physician but who is in charge of the care of a newborn infant shall immediately bring to the attention of a licensed physician every case in which symptoms of inflammation develop in one or both eyes of an infant in his or her care.

(4) ~~It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home, or hospital of any nature, parent, relative, and any person or persons attendant on, or assisting in any way whatsoever, any woman at childbirth, or attendant on, or assisting in any way whatsoever, any infant, or the mother of any infant, at any time within two weeks after childbirth, knowing the condition hereinabove defined to exist, and within eight hours thereafter, to report such fact, as the State Board of Health shall direct, to the local health officer of the city, village or township within which the infant is cared for.~~

(5) ~~Duties of maternity homes, physicians, etc. It shall be the duty of all maternity homes and of hospitals, public and charitable institutions to maintain such records of cases of ephththalmia neonatorum as the State Board of Health shall direct. It shall be the duty of any and all maternity homes, hospitals, public and charitable institutions, and all other institutions having the care of any infant, in addition to reporting as hereinbefore provided, to employ a licensed physician in the treatment of the conditions described in Regulation MHD 326(o)1.~~

(6) ~~Duties of the local health officer. It shall be the duty of the local health officer.~~

(aa) ~~To investigate each case as filed with him in pursuance with the law, and any other such case as may come to his attention.~~

(bb) ~~To report all cases of ophthalmia neonatorum, and the result of all such investigations as he shall make, as the State Board of Health shall direct.~~

(cc) ~~To conform to such other rules and regulations as the State Board of Health shall promulgate for his further guidance.~~

Objections. If a parent objects or both parents object to the prophylactic treatment of a newborn infant and the health professional has honored the objection, the health professional shall retain a record of the objection.

# ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

## Minnesota Energy Agency Data and Analysis Division

### Adopted Rules Governing Electric Utility Information Reporting

The rules proposed and published at *State Register*, Volume 5, Number 51, pages 2043-2052, June 22, 1981 (5 S.R. 2044) are now adopted with the following modifications:

#### Rules as Adopted

#### Chapter Two: 6 MCAR §§ 2.0201-~~2.0213~~ 2.0214

#### 6 MCAR § 2.0201 Purpose and applicability of these rules.

A. The purpose of these rules is to implement the forecasting, statistical and informational reporting requirements of Minn. Stat. §§ 116H.10 and 116H.11 (~~1980~~). These rules are adopted pursuant to the powers of the director conferred by Minn. Stat. § 116H.08, clause (a) (~~1980~~), and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors and to determine the level of statewide and service area energy needs.

#### 6 MCAR § 2.0202 Definitions. For purposes of these rules, the following definitions shall apply:

E. "Annual system demand" means the highest system demand occurring during the twelve-month period beginning May 1 of the forecast year ending with the current month. For seasonal reporting the current month is the last month of the season being reported;

F. "Capacity factor" is the ratio, expressed as a percent, of gross generation in megawatt-hours to the product of period-hours times maximum dependable capacity. There are 8760 period-hours per year, except during a leap year when there are 8784. Maximum dependable capacity is the dependable plant capacity in winter or summer, whichever is smaller;

J. "Forced outage rate" is the total time a plant was unavailable due to forced outage. It is expressed as the ratio of forced outage hours to the sum of the total number of hours the plant was actually operated with breakers closed to the station bus plus the forced outage hours;

Q. "Municipal power agency" means a municipal corporation incorporated pursuant to Minnesota Statutes, §§ 453.51 through 453.62 inclusive Minn. Stat. §§ 453.51-453.62.

For purposes of these rules, a municipal power agency may elect to supply in aggregate the data required by these rules for its members. All data submitted in such fashion shall be in the format specified by the director;

U. "Operating availability" is the time in hours during which a plant is available. It is expressed as the ratio of available hours to period hours. Available hours are the sum of service hours and reserve shutdown hours;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

## ADOPTED RULES

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W. "Participation purchases" and "participation sales" means ~~means~~ means purchases and sales under a participation power agreement or a seasonal participation power agreement;

Y. "Residential electrical space heating customer" means ~~any residential customer which derives over one-half of its heating requirements from electricity~~ a residential customer who uses electricity as a source of space heating throughout the entire premises from permanently installed electric heating equipment;

### 6 MCAR § 2.0204 Reporting dates.

#### A. Annual.

1. Except as provided by the director, each generating and transmission utility shall file with the director the information required by rules 6 MCAR §§ 2.0203, 2.0205, 2.0206, 2.0207, 2.0208, 2.0209 and 2.0210 by July 1 of each year.

2. Except as provided by the director, each distribution only utility shall file with the director only the information required by rules 6 MCAR §§ 2.0203, 2.0205 and 2.0210 by July 1 of each year.

### 6 MCAR § 2.0207 The extended forecast.

A. The following utilities must file an extended forecast: Northern States Power Company, Minnesota Power, Otter Tail Power Company, Interstate Power Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association and Dairyland Power Cooperative, ~~United Minnesota Municipal Power Agency~~, and the Southern Minnesota Municipal Power Agency. Data which is compiled within the same calendar year for either an extended forecast or a certificate of need application may be substituted interchangeably to satisfy those portions of both sets of rules which have identical data requirements. In such cases, references to the material substituted and a copy of the appropriate reference material shall be submitted to meet the reporting requirements.

#### C. Forecast documentation for rules 6 MCAR §§ 2.0206 and 2.0207.

##### 3. Assumptions and special information.

a. Discussion. The utility shall discuss in writing each essential assumption made in preparing the forecasts, including the need for the assumption, the nature of the assumption, and the sensitivity of forecast results to variations in the essential assumptions. ~~Among the assumptions that shall be discussed are current and anticipated saturation levels of major electric appliances and electric space heating within the utility's service area.~~

b. Subject of assumption. The utility shall discuss the assumptions made regarding the availability of alternative sources of energy, the expected conversion from other fuels to electricity or vice versa, future prices of electricity for customers in the utility's system and the effect that such price changes will likely have on the utility's system demand, the assumptions made in arriving at any data requested in 6 MCAR §§ 2.0206 or 2.0207 which is not available historically or not generated by the utility in preparing its own internal forecast, the effect of existing energy conservation programs under federal or state legislation on long-term electrical demand, the projected effect of new conservation programs which the utility deems likely to occur through future state and federal legislation on long-term electrical demand, and any other factor considered by the utility in preparing the forecast. In addition the utility shall state what assumptions were made, if any, regarding current and anticipated saturation levels of major electric appliances and electric space heating within the utility's service area. If a utility makes no assumptions in preparing its forecast with regard to current and anticipated saturation levels of major electrical appliances and electric space heating it shall simply state this in its discussion of assumptions.

6 MCAR § 2.0212 The Minnesota Wisconsin Power Suppliers Group (MWPSG). For purposes of these rules the MWPSG may provide a joint report to either the agency, or both the agency and the Minnesota Environmental Quality Board (MEQB) on behalf of its member utilities. Such a joint report shall contain all information required by these rules and shall be in a format deemed acceptable by the director. Such a joint report shall fulfill the obligations of the member utilities in meeting these rules and the statutory informational requirements of Minn. Stat. §§ 116H.10 and 116H.11 (1980).

Within these rules where the agency's reporting requirements and those of the MEQB are similar the MWPSG in its report need file only one joint listing of the required information so long as that listing provides all the data requirements of these rules and is in a format acceptable to the director.

The following rules within these reporting requirements shall be considered similar to those of the MEQB: 6 MCAR §§ 2.0207 B.4.-7., 2.0208 B.-C., and 2.0209 A.-B. In addition to these rules, the director may designate other rules similar as well.



# SUPREME COURT

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## Decisions Filed Thursday, December 31, 1981

81-101 In the Matter of Trust B Created under the Last Will and Testament of Archie M. Cary, deceased. Hennepin County.

Under the doctrine of forum non conveniens, a district court may refuse to hear a trustee's petition for discharge and allowance of a trust's accounts when an action for breach of trust has been brought against the trustee in another forum in which the trustee and the beneficiaries reside and in which all of the trust's assets are located.

Although the district court may have jurisdiction to discharge a trustee even if it has relinquished its *in rem* jurisdiction over the trust pursuant to Minn. Stat. § 501.351 (1980), it need not exercise its jurisdiction if a determination of the trustee's liability may be made in another forum at substantially less inconvenience, expense and delay to the beneficiaries.

Affirmed. Amdahl, C. J., Took no part, Kelley, J.

51762/Sp. Flamingo Terrace Mobile Home Park, Inc., v. James C. Scott and Alice M. Scott, Petitioners-Appellants, Warren Spannaus, Attorney General, Intervenor. Anoka County.

Minn. Stat. § 327.44 (1980) converted existing month-to-month tenancies in mobile home parks into year-to-year tenancies effective May 30, 1979.

Minn. Stat. § 327.44 (1980) requires prior written notice of alleged breach of the terms of a mobile home lease agreement before an action for unlawful detainer may be maintained.

Reversed. Todd, J. Took no part, Kelley, J.

81-125 Sandy Saukkola, widow of Paul B. Saukkola, deceased, v. Airtex Industries and Liberty Mutual Insurance Co., Relators. Workers' Compensation Court of Appeals.

Minn. Stat. § 176.111, subd. 11 (1980), specifically governs the rights and obligations of workers' compensation recipients upon the remarriage of a dependent surviving spouse. We therefore reverse the Workers' Compensation Court of Appeals' decision that a surviving dependent child becomes an "orphan" upon the remarriage of the surviving spouse under Minn. Stat. § 176.111, subd. 12 (1980).

We decline at this time to reconsider *Redland v. Nelson Quality Eggs, Inc.*, 291 N.W.2d 371 (Minn. 1980), wherein we applied all federal survivors' benefits to the dependent children within the meaning of Minn. Stat. § 117.111, subd. 21 (1980), and leave the holding for legislative reaction.

We affirm the Workers' Compensation Court of Appeals' calculations, and disavow the errant calculation chart that we applied in *Lemke v. Knudsen Trucking, Inc.*, 291 N.W.2d 378 (Minn. 1980).

Affirmed in part and reversed in part. Scott, J. Took no part, Kelley, J.

## Decisions Filed Thursday, December 17, 1981

81-470 George E. Griffiths v. Lovelette Transfer Company, Inc., *et al.*, Appellants, Diane C. Bjorkman, *et al.*, Defendants, Kathleen K. Halimi, *et al.*, Defendants, and Lovelette Transfer Company, Inc., *et al.*, defendants and third party plaintiffs, Appellants, v. James D. Franklin, third party defendant, James Raun, third party defendant. Hennepin County.

The right of an on-duty policeman to recover for injuries incurred while investigating an accident scene shall be determined under the "fireman's rule."

Under the "fireman's rule" if the defendant owes a duty towards the injured policeman, the defendant may be relieved of liability if the risk was reasonably apparent to the policeman and was not hidden or unanticipated. In this case, a finding by the trial court, that as a matter of law the risk could not have been anticipated is not clearly erroneous.

The trial court may submit to the jury the questions of whether a risk was hidden or whether a risk should have been anticipated by a policeman. If submitted to the jury, the jury should not be advised as to the result of their answers to these questions.

Affirmed. Todd, J.

51385/Sp. Donald Lewis, Director, Department of Human Rights, ex rel. Gregory Durham, complainant, Appellant, v. Remmele Engineering, Inc. Ramsey County.

In the absence of a supporting factual basis, it was error for the district court to conclude that the absence of epilepsy is a bona fide occupational qualification for this employment.

Whether a particular disability constitutes a "serious threat" to the health and safety of a disabled individual is a question of fact to be examined with due regard for the nature and degree of disability and type of employment position for which the

individual seeks to qualify. In relying upon this defense, the employer must, as a general rule, establish that it relied upon competent medical advice that there exists a reasonably probable risk of serious harm.

Reversed in part; affirmed in part. Yetka, J.

**51793 City of St. Louis Park, petitioner, v. The Almore Company, et al., Appellants. Hennepin County.**

In determining condemnation damages, the factfinder cannot consider evidence of "access" to the condemnee's remaining property unless such access existed at the time of the condemnation commission award.

Condemnation damages are measured as of the time of the condemnation commission award.

Reversed in part, affirmed in part, and remanded for a new trial. Yetka, J. Took no part, Sheran, C. J., and Peterson, J.

**51627/Sp., 51761 City of Mankato, Appellant, v. Paul Hilgers, et al., Blue Earth County.**

In eminent domain proceedings, review by the district court following a commissioners' award is limited to the question of just compensation.

Amdahl, J. Conc. spec. Simonett and Peterson, JJ. Took no part, Sheran, C. J.

**51794 Rosemary Rieschel, Special Administratrix for the Estate of Paul Antonio Davis, deceased, v. Travelers Insurance Company, Appellant. Hennepin County.**

The insurer has the burden of proving lack of cooperation due to the insured's failure to provide the insurer with statements relating to his claim.

Breach of the cooperation provision of an insurance policy must be substantial and material and result in prejudice to the insurer.

Minn. Stat. § 65B.15 (1980) concerning cancellation of policy coverage does not change the common law standard that the insurer must prove a substantial breach resulting in prejudice.

The insurer has the burden of demonstrating diligence in seeking the insured's cooperation.

Affirmed. Amdahl, J.

**81-357 Federal Reserve Bank of Minneapolis, Relator, v. State of Minnesota, County of Hennepin. Tax Court.**

The Tax Court did not err in finding the Federal Reserve Bank Building a special purpose building for tax valuation purposes.

Because the bank is a special purpose building, the assessor did not err in evaluating it exclusively by the reproduction cost approach.

The assessment of the bank property did not violate the bank's rights to equal protection under the federal and state constitutions.

That portion of the bank building used for subtreasury functions is not immune from real estate taxes by reason of 12 U.S.C. § 531 (1976),

Affirmed. Simonett, J.

# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Agriculture Agronomy Services Division

### Notice of Special Local Need Registration for Purina Hard Hitter EC

Pursuant to Minn. Stat. § 18.A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on December 15, 1981, issued a Special Local Need Registration for Purina Hard Hitter EC manufactured by Ralston Purina Company, St. Louis, MO 63188.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide as a premise spray in livestock, poultry and dairy structures.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN # MN 81-0022) is on file for inspection at:

Minnesota Department of Agriculture  
Pesticide Control Section  
90 West Plato Blvd.  
Saint Paul, Minnesota 55107  
Phone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending, or upholding this registration.

December 22, 1981

Mark W. Seetin, Commissioner

## Department of Agriculture Agronomy Services Division

### Notice of Special Local Need Registration for Purina Hard Hitter WP

Pursuant to Minn. Stat. § 18.A.23 and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture on December 15, 1981, issued a Special Local Need Registration for Purina Hard Hitter WP manufactured by Ralston Purina Company, St. Louis, MO 63188.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide as a premise spray in livestock, poultry and dairy structures.

The application and other data required under Minn. Stat. §§ 18A.22, subd. 2 (a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B relative to this registration (identified as SLN # MN 81-0021) is on file for inspection at:

# OFFICIAL NOTICES

Minnesota Department of Agriculture  
Pesticide Control Section  
90 West Plato Blvd.  
Saint Paul, Minnesota 55107  
Phone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minn. Stat. ch. 15, for the purpose of revoking, amending, or upholding this registration.

December 22, 1981

Mark W. Seetin, Commissioner

## Department of Transportation Technical Services Division

### Appointment and Scheduled Meeting of a State Aid Standards Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standards Variance Committee who will conduct a meeting on Tuesday, January 26, 1982, at 9:30 a.m. in Room 419, State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 471.705.

The purpose of the open meeting is to investigate and determine recommendation(s) for variances from minimum State Aid roadway standards as governed by 14 MCAR § 1.5032 M.4.b., Rules for State Aid Operations under Minnesota Statute, chapters 161 and 162 (1978), as amended.

The agency will be limited to these questions:

1. Petition of Blue Earth County for a variance from Standards for Design Speed on CSAH 6 between CSAH 11 and Trunk Highway 68.
2. Petition of Cook County for a variance from Standards for Design Speed on CSAH 12 between 1300' North of CSAH 8 and 2,170' North of County Road 61.
3. Petition of Lac Qui Parle County for a variance from Standards for Design Speed along CSAH 7 between CSAH 40 and the North County Line.
4. Petition of Redwood County for a variance from Standards for Design Speed on CSAH 7 between County Road 56 in Seaforth and Trunk Highway 19, 4.25 Miles North of Seaforth.
5. Petition of Sibley County for a variance from Standards for Geometrics on CSAH 27 from CSAH 19 to CSAH 5.
6. Petition of City of St. Cloud for a variance from Standards for Street Width along Ninth-Tenth Avenue between St. Germain Street and Ninth Street North.
7. Petition of the City of St. Paul for a variance from Standards for Street Width along MSAS 159 (Lexington Parkway) between Pierce Butler Road and the Burlington Northern Railway.

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m.	City of St. Paul
10:00 a.m.	City of St. Cloud
10:30 a.m.	Blue Earth County
11:00 a.m.	Sibley County
11:30 a.m.	Cook County
1:00 p.m.	Lac Qui Parle County
1:30 p.m.	Redwood County

Dated this 29th day of December, 1981

Richard P. Braun  
Commissioner of Transportation

STATE OF MINNESOTA

State Register and Public Documents Division  
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